

Exhibit B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,	:	12-CR-00050(CBA)
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	Monday, April 9, 2012
VINCENT BADALAMENTI,	:	4:30 p.m.
	:	
Defendant.	:	
	:	

- - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE CAROL B. AMON
UNITED STATES CHIEF DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: LORETTA E. LYNCH, ESQ.
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: JACK DENNEHY, ESQ.
M. KRISTIN MACE, ESQ.
Assistant United States Attorney

For the Defendant: RONALD P. FISCHETTI
747 Third Avenue
20th Floor
New York, New York 10022
BY: RONALD P. FISCHETTI, ESQ.
PHYLLIS MALGIERI, ESQ.

Court Reporter: Victoria A. Torres Butler, CRR
Official Court Reporter
Tele: (718) 613-2607
E-mail: VButlerRPR@aol.com

Proceedings recorded by computerized stenography. Transcript
produced by Computer-aided Transcription.

Victoria A. Torres Butler, CRR
Official Court Reporter

Proceedings

2

1 (In open court.)

2 (Judge CAROL B. AMON enters the courtroom at
3 4:51 p.m.)

4 THE COURTROOM DEPUTY: All rise.

5 United States against Badalamenti. Please, state
6 your appearances for the record, and you will remain at the
7 table.

8 MR. FISCHETTI: At the table?

9 THE COURTROOM DEPUTY: Correct, Judge?

10 THE COURT: Yes.

11 MR. DENNEHY: For the Government, Jack Dennehy and
12 Kristin Mace.

13 Good afternoon, Your Honor.

14 MS. MACE: Good afternoon.

15 THE COURT: Good afternoon.

16 MR. FISCHETTI: For the defense, Ronald Fischetti,
17 and Phyllis Malgieri.

18 THE COURT: Good afternoon.

19 MS. MALGIERI: Good afternoon, Your Honor.

20 (Defendant enters the courtroom.)

21 THE COURTROOM DEPUTY: The Judge is waiting for the
22 plea agreement, which we're told hasn't been signed.

23 MR. FISCHETTI: I'm sorry, I apologize.

24 (Pause in the proceedings.)

25 THE COURT: All right, Mr. Fischetti, do you have an

Proceedings

3

1 application for the Court?

2 MR. FISCHETTI: I do, Your Honor.

3 Mr. Badalamenti withdraws his previously entered
4 plea of not guilty and offers to plead to Count 3 of
5 indictment number 12-050, which is the collection of unlawful
6 debt conspiracy.

7 THE COURT: And this is the second superseding
8 indictment.

9 MR. FISCHETTI: That's correct.

10 THE COURT: S-2.

11 MR. FISCHETTI: That's correct.

12 THE COURT: All right.

13 Mr. Badalamenti, your Counsel tells me that you wish
14 to enter a guilty plea to Count 3 of the outstanding
15 indictment.

16 And I take it that that is, Mr. Fischetti, pursuant
17 to a plea agreement, which has been marked Government's
18 Exhibit 5.

19 MR. FISCHETTI: That's correct, Your Honor.

20 THE COURT: All right.

21 Mr. Badalamenti, this is a very serious decision. I
22 have to make sure that you understand all of your rights and
23 the consequences of your plea. That means that I have to ask
24 you a whole series of questions and I do require that your
25 answers to my questions be made under oath, so my

Proceedings

4

1 Courtroom Deputy will administer an oath.

2 If you would stand, please.

3 COURTROOM DEPUTY: Please, raise your right hand.

4 V I N C E N T B A D A L A M E N T I,

5 called by The Court, having been

6 first duly sworn, was examined and testified

7 as follows:

8

9 THE COURT: Having been sworn to tell the truth, you
10 have to do that. If you were to lie on purpose in response to
11 any question that I ask, you could face a further criminal
12 charge for perjury or making a false statement.

13 Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: If there is anything at all that I say
16 that you don't understand, just tell me that you don't
17 understand it and I'll stop and try and explain it more
18 clearly, okay?

19 THE DEFENDANT: Okay, Your Honor.

20 THE COURT: All right.

21 How old are you?

22 THE DEFENDANT: I'm 53.

23 THE COURT: How far in school did you go?

24 THE DEFENDANT: High school.

25 THE COURT: Are you presently or have you recently

Proceedings

5

1 been under the care of a doctor, including a psychiatrist, for
2 any reason?

3 THE DEFENDANT: No.

4 THE COURT: In the past 24 hours, have you had
5 pills, drugs, medicine or alcohol of any kind?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Is your mind clear as you sit there
8 today?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Counsel, have you discussed the subject
11 of a guilty plea with your client?

12 MR. FISCHETTI: I have, Your Honor.

13 THE COURT: In your view, does he understand all of
14 the rights he is waiving by pleading guilty?

15 MR. FISCHETTI: He does, Your Honor.

16 THE COURT: Do you have any question about his
17 competency to proceed?

18 MR. FISCHETTI: I do not.

19 THE COURT: Mr. Badalamenti, have you had enough
20 time to discuss with your attorney the decision to enter a
21 guilty plea in this case?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Are you satisfied to have him represent
24 you?

25 THE DEFENDANT: Yes, Your Honor.

Proceedings

6

1 THE COURT: All right.

2 Now, let me ask you next; have you read over the
3 superseding indictment, S-2?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: In particular, have you read the
6 introduction which talks about an enterprise and then the
7 means; methods and means of the enterprise?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: You've read all of that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Now, specifically, have you also
12 read Count 3?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Now, has your attorney explained to you
15 what it is that the Government would have to prove -- and
16 that's by proof beyond a reasonable doubt -- to support this
17 charge?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you believe you understand it?

20 THE DEFENDANT: I understand it.

21 THE COURT: All right, then I'm just going to review
22 the charge in summary fashion.

23 First of all, at Count 3 it says:

24 *The allegations contained in paragraph 1 through 15*
25 *are realleged and incorporated.*

Proceedings

7

1 And 1 through 15 are the introduction, which talks
2 about the enterprise. It identifies the enterprise as the
3 member and associates of the Bonanno organized crime family of
4 La Cosa Nostra. That's what they describe as the enterprise,
5 so the enterprise is identified there.

6 And then the count itself says that:

7 *On or about and between January 1st of 1999, and*
8 *September 7th of 2011, both dates being approximate and*
9 *inclusive, within the Eastern District of New York and*
10 *elsewhere, the defendants -- and it first identifies you,*
11 *Vincent Badalamenti -- and then it names two other*
12 *defendants -- Vito Balsamo and Anthony Calabrese, together*
13 *with others, being persons employed by and associated with the*
14 *Bonanno crime family, an enterprise that engaged in and the*
15 *activities of which affected interstate and foreign commerce,*
16 *did knowingly and intentionally conspire.*

17 Now, for someone to conspire that means they have to
18 form an agreement with at least one other person, and the
19 conspiracy is alleged to be:

20 *To conduct and participate, directly and indirectly,*
21 *in the conduct of the affairs of that enterprise through the*
22 *collection of an unlawful debt.*

23 Unlawful debt is defined as:

24 *Debts that were unenforceable under New York State*
25 *law, and debts that were incurred in gambling activity in*

Proceedings

8

1 *violation of Federal law, and were incurred in connection with*
2 *the business of gambling, in violation of Federal law and*
3 *New York State law.*

4 So, the Government would have to offer evidence that
5 established each and every element of Count 3 and, again, it
6 would have to be proof beyond a reasonable doubt. So, they
7 would have to, first of all, establish that this enterprise
8 existed and the one they've identified, the Bonanno Crime
9 Family;

10 They'd have to establish that you and others were
11 employed by and associated with that enterprise;

12 That you agreed to conduct the affairs of that
13 enterprise through this collection of the unlawful debt.

14 And they'd have to prove that the debt involved,
15 that was conspired, that was the object of the conspiracy, was
16 one that was either unenforceable under New York State law or
17 were incurred in gambling activity in violation of Federal
18 law.

19 And again, as I pointed out earlier, a conspiracy
20 can't be done by one person. They would have to prove that
21 you formed an agreement with at least one other person to do
22 all of that.

23 Do you believe you understand the charge?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right, what I want to review with

Proceedings

9

1 you now are the rights that you have. These are going to be
2 rights you give up if you decide to plead guilty.

3 First of all, you have a right to persist in your
4 original plea of not guilty.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: If you plead not guilty to the charges,
8 you would have a right under the Constitution and laws of the
9 United States to a speedy and public trial before a jury with
10 the assistance of your attorney.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: At any trial, you would be presumed
14 innocent. You don't have to prove you're innocent. Under our
15 system of law, it is the Government that has the burden of
16 proof and that is proof beyond a reasonable doubt that you're
17 guilty of the crime that's charged.

18 If the Government failed to meet that burden of
19 proof, the jury would have the duty to find you not guilty.

20 Do you understand?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Now, in the course of a trial, witnesses
23 for the Government would have to come here to court and they'd
24 have to testify in your presence. Your lawyer would have the
25 right to cross-examine these witnesses. He could raise legal

Proceedings

10

1 objections to evidence the Government sought to offer against
2 you. He could offer evidence in your behalf.

3 Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: In terms of offering evidence in your
6 behalf, he would also have the power to subpoena witnesses to
7 come to court and testify.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, at trial, you would have the right
11 to testify in your own behalf, if you wanted to.

12 On the other hand, you cannot be forced to be a
13 witness at your trial. Under the Constitution and laws of the
14 United States no person can be made to be a witness against
15 himself. So, if you wanted to go to trial, but you decided
16 not to testify, I would tell the jury they could not hold that
17 against you.

18 Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, if instead of going to trial you
21 plead guilty to the crime charged, and if I accept your guilty
22 plea, you will be giving up your right to a trial and all the
23 other rights I've just discussed. There will be no trial in
24 this case and no right to an appeal on the question of whether
25 you did or did not commit the crime. I'll simply enter a

Proceedings

11

1 judgment of guilty based upon your plea.

2 Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: If you do plead guilty, I'm going to
5 have to ask you questions about what you did and that is to
6 satisfy myself that you are guilty of the charge. You are
7 going to have to answer my questions and admit your guilt.
8 That means you would be giving up your right not to
9 incriminate yourself.

10 Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: Are you willing to give up your right to
13 a trial and all of the other rights I've just discussed?

14 THE DEFENDANT: Yes.

15 THE COURT: All right.

16 Now, I've been told that the plea is pursuant to an
17 agreement, which has been marked Government's Exhibit 5.

18 Mr. Dennehy, do you represent on behalf of the
19 United States Attorney's Office that the document placed
20 before the Court contains the entirety of any understanding
21 that your office has reached with this defendant?

22 MR. DENNEHY: Your Honor, I do, save for one
23 provision which I will put on the record now.

24 The Count to which Mr. Badalamenti may plead guilty
25 carries a maximum term of supervised release of three years.

Proceedings

12

1 Mr. Fischetti has indicated to me that at the time of
2 sentencing he may consider asking Your Honor to impose a term
3 of supervised release of one year. I am not sure that he
4 intends to follow through with that, but I have advised him
5 that in the event he did that, I would recommend that one
6 year.

7 I also advised Mr. Fischetti to inform his client
8 that that recommendation by me is not binding on the Court;
9 that the decision to impose a sentence, including a term of
10 supervised release, is exclusively within the decision-making
11 of Your Honor, and that it would be Your Honor who imposes the
12 term of supervised release.

13 THE COURT: Anything else?

14 MR. DENNEHY: No, Your Honor.

15 THE COURT: With that one addition, Mr. Fischetti,
16 does the document otherwise contain the entirety of the
17 understanding that the Government has reached with your
18 client?

19 MR. FISCHETTI: Yes, it does, Your Honor.

20 THE COURT: All right.

21 Mr. Badalamenti, did you read this plea agreement?

22 THE DEFENDANT: Yes, I did, Your Honor.

23 THE COURT: Did you discuss it with Mr. Fischetti?

24 THE DEFENDANT: Yes, I did.

25 THE COURT: Is there anything in this plea agreement

Proceedings

13

1 that is not clear that you need explained in any further
2 detail now?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Now, the Government has indicated to the
5 Court here, this afternoon, that there is one other agreement
6 that they've reached that is not contained within the four
7 corners of this document, that they've made you one other
8 promise; and that is, that if your Counsel argues to the Court
9 at the time of sentencing that your supervised release term
10 should be only a year, as opposed to the maximum three years
11 that I can give under the law, that they won't oppose that
12 recommendation.

13 Did you understand that they've made that additional
14 promise to you?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: All right.

17 MR. FISCHETTI: Your Honor, I apologize.

18 THE COURT: Did I misstate something?

19 MR. FISCHETTI: I think so, Your Honor.

20 THE COURT: Oh?

21 MR. FISCHETTI: I think there is a slight difference
22 between not opposing my application than recommending the one
23 year.

24 THE COURT: Oh, I didn't understand him to say he
25 recommended it.

Proceedings

14

1 MR. FISCHETTI: I think so, ma'am.

2 MR. DENNEHY: Mr. Fischetti and I have been battling
3 over that word.

4 But to the extent I would say I recommend it, it's
5 still, in my opinion, up to Your Honor what to impose in this
6 case based upon the Pre-Sentence Report when it gets written
7 by Probation.

8 THE COURT: Did you tell me the first time around
9 that you were recommending it?

10 MR. DENNEHY: I did. I did.

11 THE COURT: I'm sorry then, I misspoke.

12 MR. FISCHETTI: Other than that, Your Honor, we
13 certainly know that it's certainly up to Your Honor's
14 discretion and this promise in no way binds the Court.

15 THE COURT: All right. So, I understand that both
16 the Government and your Counsel will be recommending it, which
17 is a little stronger than not opposing it.

18 Do you understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And again, I think as you understand it,
21 any recommendation does not bind the Court.

22 Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Other than that one addition about that
25 recommendation for the one-year term of supervised release, do

Proceedings

15

1 you believe that the Government has made any other promise to
2 you that has caused you to plead guilty?

3 THE DEFENDANT: No, Your Honor.

4 (Pause in the proceedings.)

5 THE COURT: There are a couple of provisions of the
6 plea agreement that I want to bring specifically to your
7 attention.

8 The first is at paragraph four which says:

9 *The defendant agrees not to file an appeal or*
10 *otherwise challenge by petition, pursuant to 28 U.S.C.*
11 *Section 2255, or any other provision, the conviction or*
12 *sentence in the event that the Court imposes a term of*
13 *imprisonment of 30 months or below.*

14 Now, let me just explain what I think that provision
15 means and either side, please, correct me if you understand it
16 differently.

17 Let's assume that you had no plea agreement with the
18 Government and you just decided that you were going to come in
19 and plead guilty to all the charges in the indictment. Under
20 that circumstance, if you plead guilty, you no longer have the
21 right to say, oh, I didn't do the crime. You couldn't appeal
22 that issue to a higher court, whether you did the crime, but
23 you would be able to appeal the Court's sentence. So, if you
24 thought that I made some mistake in imposing sentence, you
25 could appeal that to a higher court. So, pleading guilty

Proceedings

16

1 doesn't automatically mean that you can't appeal your
2 sentence.

3 But you've made an agreement here with the
4 Government in which you have agreed that you will not appeal
5 your sentence under a specific circumstance; and that is, that
6 if I give you a sentence of 30 months or something less than
7 30 months, you are agreeing, pursuant to the terms of this
8 agreement, that you will not appeal your sentence. So, you're
9 giving up another right that you would otherwise have to
10 appeal your sentence.

11 Do you understand that you agreed to that?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Also, under this provision, you've
14 agreed that you won't come back at some later point in time
15 and file a habeas corpus petition challenging your sentence.

16 Do you understand that you've also given up that
17 right?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Now, I think there is an agreement here
20 with regard to the forfeiture allegation as well?

21 MR. DENNEHY: Yes, Your Honor.

22 THE COURT: Now, you would, in addition to having
23 the jury determine your guilt or innocence, you would also
24 have a right to have a jury determine whether property should
25 be forfeited. There is a forfeiture allegation in your

Proceedings

17

1 indictment. So, you would have the right to have the jury
2 make that determination.

3 Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And I believe the forfeiture allegation
6 that applies to Counts 1 through 3 is in paragraph 84 and 85;
7 is that correct?

8 MR. DENNEHY: I believe, Your Honor, it's in
9 paragraphs 79 and 80, as relates to Count 3 of superseding
10 indictment 2.

11 THE COURT: Well, I was given superseding
12 indictment 2 and paragraphs 79 and 80 are Hobbs Act extortion
13 counts.

14 MR. FISCHETTI: I think it is 84 and 85, Your Honor.
15 May I show Mr. Dennehy?

16 THE COURT: Yes.

17 MR. DENNEHY: Yes, paragraph 84, Your Honor, I
18 apologize.

19 THE COURT: Okay.

20 Now, as I understand it, according to the terms of
21 the plea agreement, that the Government is accepting a payment
22 of \$5,000; is that right --

23 MR. DENNEHY: That is correct, Your Honor.

24 THE COURT: -- on that forfeiture agreement?

25 And the defendant is agreeing to pay that amount; is

Proceedings

18

1 that correct?

2 MR. FISCHETTI: Yes, Your Honor. We have the check
3 here.

4 THE COURT: Okay.

5 So, Mr. Badalamenti, that's another agreement that I
6 understand the Government has reached. They have a broad
7 forfeiture allegation here, but they're agreeing that if you
8 give them a check of \$5,000, that will satisfy all the
9 forfeiture allegations in the indictment, and you've agreed to
10 pay that.

11 Do you understand that provision as well?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Well, the agreement also purports to be
14 conditioned, in paragraph 14, on all of the other defendants
15 in this case also entering pleas.

16 The date must be wrong in here.

17 MR. DENNEHY: Does Your Honor's copy say April 10?

18 THE COURT: No, it says April 4th.

19 MR. DENNEHY: Can we just initial that? It's
20 April 10.

21 (Hanging.)

22 MR. FISCHETTI: I have April 10th on mine,
23 Your Honor.

24 THE COURT: Well, I was given that one as the
25 original. So, do you all want to look it over again?

Proceedings

19

1 MR. FISCHETTI: I will. But I'm sure it is.
2 I will initial this and then I'll look at it, Judge.
3 (Pause in the proceedings.)

4 MR. DENNEHY: For the record, Your Honor, in two
5 places we have changed the date of April 4th to April 10th;
6 that is, in paragraphs 2 and 14. And that is the agreement
7 with the Government.

8 THE COURT: Okay.
9 (Hanging.)

10 THE COURT: Mr. Fischetti.

11 MR. FISCHETTI: Yes, Your Honor.

12 THE COURT: Are you satisfied that what's been
13 marked as Government's Exhibit 5 is the agreement with those
14 changes?

15 MR. FISCHETTI: Yes, Your Honor.

16 THE COURT: All right.

17 MR. FISCHETTI: That's correct.

18 THE COURT: All right.

19 What I wanted to explain to you is this plea
20 agreement is contingent on other events happening, all right?

21 That includes that not only that you plead guilty
22 but that the defendants Balsamo, Calabrese, Graziano, Laforce,
23 and Santora, also enter guilty pleas before tomorrow,
24 April 10th. So, this is a provision in paragraph 14 and this
25 is a provision in which the Government retains the right to

Proceedings

20

1 back out of this agreement if everyone else doesn't plead
2 guilty.

3 Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: As I read the provision, you don't
6 retain the same ability to do that.

7 If the Government chooses not to back out of it --
8 even if the other people don't plead -- your plea stands, in
9 any event. In other words, you don't have the opportunity to
10 withdraw if everyone else does not plead guilty, just the
11 Government has that opportunity.

12 Do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And so, you won't be able to withdraw
15 your guilty plea if everyone else doesn't plead guilty.

16 There's another provision here that I'll explain,
17 too. It talks about something called a global disposition.
18 And I'll explain that in the context of going over the
19 penalties here.

20 The maximum penalty for this offense that you're
21 pleading guilty to is 20 years in prison.

22 Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: When the Court imposes a prison term, it
25 generally follows that prison term by a period of what is

Proceedings

21

1 called supervised release. In this case, the maximum period
2 of supervised release is three years. Were I to give you
3 three years of supervised release and if you violated any of
4 the -- well.

5 If I give you as much as two years of supervised
6 release and you violate any of the terms and conditions, I
7 could send you back to prison for two full years without
8 giving you any credit for the time you had already spent.

9 Do you understand that?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Even were I to accept the
12 recommendation, and I have no idea whether I would or wouldn't
13 now, but even if I gave you a year and you were on supervised
14 release and you violated the terms of your release, I could
15 send you back to prison for a year without giving you credit
16 for the time you had spent on supervised release.

17 Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: All right. Now, there are a whole
20 series of financial penalties. The maximum fine is \$250,000
21 or twice the gross profits of the enterprise.

22 And did you determine that figure, Mr. Dennehy,
23 between the last person who pled guilty and now?

24 MR. DENNEHY: Your Honor, I did actually think about
25 it. I know that Joe Massino forfeited a million dollars from

Proceedings

22

1 his crimes with the Bonanno family, and I know that
2 Vincent Basciano is claiming that he's got at least a million
3 dollars.

4 So, at least for now, we're up to \$9 million, but I
5 have not reached a total figure of the gross profits of the
6 enterprise charged in the indictment.

7 THE COURT: But this is in the context of a fine.

8 So, I could fine; the maximum fine is either
9 \$250,000;

10 If the Government puts on proof about what the gross
11 profits of the enterprise, the enterprise being defined as the
12 Bonanno crime family, if they put on proof of what those
13 profits were, then the fine could be as high as twice the
14 amount of those profits.

15 Do you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: There is an in addition \$100 special
18 assessment. That hundred dollar special assessment is
19 mandatory. I must impose that.

20 Do you understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And you have agreed, with the
23 Government, that there is a criminal forfeiture penalty here
24 and that that is \$5,000.

25 THE DEFENDANT: Yes, Your Honor.

Proceedings

23

1 THE COURT: You do understand that; correct?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Now, in sentencing, one of the important
4 factors that the Court has to take into account is the
5 sentencing guidelines.

6 Have you discussed the sentencing guidelines with
7 your Counsel and how they're calculated?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Now, in your agreement, your plea
10 agreement, the Government estimates that they believe your
11 guideline range would be 21 to 27 months in this case.
12 Assuming that you of a Criminal History Category of II, that
13 is what they believe your guideline range would be.

14 In calculating that range, they assume that they
15 will give you that global; that they will argue that you
16 should get credit for that global adjustment of one point;
17 meaning, if everybody pleads guilty, the Government will
18 recommend that one point off.

19 Do you understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Now, if not everyone pleads guilty, I
22 understand the Government maintains the right not to move for
23 that point.

24 Is that correct, Mr. Dennehy?

25 MR. DENNEHY: That's correct, Your Honor.

Proceedings

24

1 THE COURT: All right, so this 21 to 27 months, it's
2 a prediction by the Government.

3 You can't rely on the fact that that will, in fact,
4 on the date of sentencing be your guideline range, and the
5 reason for that is that it's my responsibility to make those
6 calculations and I do not know enough about either the
7 background of this case or the circumstances of the offense,
8 or your own personal background to be able to tell you today
9 what my guideline calculation may be.

10 Do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And it's possible, for instance as well,
13 that I might not think that this global adjustment was
14 appropriate. The fact that the Government has put this
15 forward as their estimate does not mean it's the Court's.

16 Do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Now, as I mentioned before, the
19 guideline range is a significant factor in sentencing, but the
20 Court is not bound follow the guideline range. There are
21 other factors that the Court takes into account.

22 Some of those other factors that the Court considers
23 include the seriousness of the offense, the need to promote
24 respect for the law, to provide just punishment, I will
25 consider factors of deterrence to criminal conduct, and I also

Proceedings

25

1 have to take into account your own background and again, the
2 circumstances of the offense. Those are all matters that I
3 take into account in trying to determine what the appropriate
4 sentence is.

5 Do you understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: In the Federal sentencing system, you
8 should understand that we don't have parole boards or parole
9 commissions like they do in State Court. Practically, what
10 that means is, whatever sentence you do receive from the Court
11 will be pretty close to the actual amount of time you will
12 spend in prison. You don't have an opportunity to appeal to a
13 parole board to get out early because there are no parole
14 boards.

15 Do you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Finally, if you enter a guilty plea
18 today, your guilty plea will stand. You can't come back to
19 court at the time of sentence and tell me you have changed
20 your mind and tell me that you want to go to trial. At that
21 point, it's too late.

22 Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you have any questions, then, that
25 you want to ask me about the charge, your rights, the plea

Proceedings

26

1 agreement or anything else related to this matter that might
2 not be clear?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Counsel, do you want me to discuss
5 anything in further detail with your client?

6 MR. FISCHETTI: Just one thing, Your Honor, which is
7 in the plea agreement, but I would like my client to hear it;
8 that at the time of sentencing, all the underlying charges in
9 the indictment will be dismissed.

10 THE COURT: Okay. Pursuant to the plea agreement.

11 MR. FISCHETTI: Pursuant to the plea agreement.

12 THE COURT: All right.

13 Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Is there anything else you want me to
16 raise with you your client?

17 MR. FISCHETTI: Nothing, Your Honor.

18 THE COURT: All right.

19 Do you know of any reason why he should not enter a
20 plea of guilty to Count 3?

21 MR. FISCHETTI: I do not, Your Honor.

22 (Pause in the proceedings.)

23 THE COURT: Are you ready to plead, Mr. Badalamenti?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: How do you plead to the charge in

Proceedings

27

1 Count 3; guilty or not guilty?

2 THE DEFENDANT: Guilty, Your Honor.

3 THE COURT: Are you making this plea of guilty
4 voluntarily and of your own free will?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Has anyone threatened, forced or
7 pressured you in any way to plead guilty?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Other than the plea agreement with the
10 Government, and their additional promise about recommending a
11 one-year term of supervised release, other than that, has
12 anyone made you any promises that have caused you to plead
13 guilty?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Has anyone promised you what sentence
16 you would receive?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Okay.

19 I need, then, to hear from you in your open words
20 what it is you did in connection with the crime charged in
21 Count 3.

22 THE DEFENDANT: From between February 2002 and
23 August 2002, I agreed with others, being a person associated
24 with the group of individuals --

25 THE COURT: Could you slow down just a little bit.

Proceedings

28

1 THE DEFENDANT: What are you up to?

2 MR. FISCHETTI: Start again.

3 THE DEFENDANT: Start again.

4 From between February 2002 and August 2002, I agreed
5 with others, being a person associated with the group of
6 individuals, or enterprise, which engaged in and the activity
7 of which affected interstate commerce, did knowingly and
8 intentionally agree to conduct and participate, directly and
9 indirectly, in the conduct of the affairs of that enterprise
10 through the collection of a debt which I believed to have been
11 a gambling debt from an individual in Staten Island, which is
12 in the Eastern District of New York. That violated Federal
13 and New York State law.

14 THE COURT: What was your role in the collection of
15 this gambling debt, Mr. Badalamenti?

16 THE DEFENDANT: I received money from an individual.

17 THE COURT: Well, was that the debt?

18 In other words, someone collected the debt and you
19 got the money from the collection of the debt?

20 THE DEFENDANT: I received the money from the
21 gambling debt.

22 THE COURT: Okay. So, someone else went out and
23 collected the debt and turned the money over to you.

24 THE DEFENDANT: No, I got it from the individual.

25 THE COURT: Oh. You collected it yourself from the

Proceedings

29

1 individual.

2 THE DEFENDANT: Yes. Yes, Your Honor.

3 THE COURT: Okay. I'm sorry.

4 And you did that in or about August of 2002?

5 THE DEFENDANT: Between February 2002 and
6 August 2002.

7 THE COURT: Now, when you did that, at that point in
8 time, were you associated with the enterprise that's
9 identified in the indictment?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right.

12 So, you know what enterprise is identified in the
13 indictment. You've read it; right?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And that's the enterprise you were
16 associated with; right?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And was this collection of the debt
19 pursuant, was it part of conducting the affairs of that
20 enterprise?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And were you involved with the
23 collection of this debt? Were there other people that you
24 agreed with to collect this debt that were involved in the
25 collection of the debt?

Proceedings

30

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Did you know that the activities of this
3 enterprise and the collection of debts was ongoing, past the
4 time of 2002?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: At least, would you say at least as far
7 as --

8 What does the Government need here in order to make
9 sure of the statute; that there is no statute of limitations
10 problem?

11 MR. DENNEHY: Your Honor, the Count charges up to
12 and including September 7th, 2011.

13 THE COURT: Did you understand that the activities
14 of the enterprise, including collecting debts, were going on
15 at least up until about September of 2011?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Does the Government believe that I need
18 to make any further inquiry? Or that you need to supplement
19 the allocation with the interstate foreign commerce?

20 MR. DENNEHY: Correct, Your Honor.

21 The Government proffers that at a trial it would be
22 able to establish beyond a reasonable doubt that the affairs
23 of the enterprise charged in the indictment, which the
24 defendant now admits is collecting that debt in furtherance
25 of -- in fact, affected interstate and foreign commerce.

Proceedings

31

1 THE COURT: Do you think any further questions need
2 to be put to Mr. Badalamenti to establish a factual basis for
3 the plea?

4 MR. DENNEHY: No, Your Honor.

5 THE COURT: How about you, Mr. Fischetti? Do you
6 think I need to ask your client anything else to establish a
7 factual basis?

8 MR. FISCHETTI: No, I don't, Your Honor.

9 THE COURT: All right.

10 Based on the information given to me I find that the
11 defendant is acting voluntarily, that he fully understands the
12 charge, his rights, and the consequences of his plea, and
13 there is a factual bases for the plea.

14 So, I will, therefore, accept the plea of guilty to
15 Count 3.

16 I understand you were given a schedule. The
17 Pre-Sentence Report will be available by June 27th.

18 Any objections or sentencing submission made on
19 behalf of the defendant, are due July 11th.

20 Response by the Government, July 18th.

21 Sentencing will be July 25th at 9:30.

22 Is there anything else we need to take up?

23 MR. FISCHETTI: Two things, Your Honor.

24 One, I'd like to have the record reflect I'm turning
25 over a certified check in the amount of \$5,000 in payment of

Proceedings

32

1 the forfeiture.

2 (Hanging.)

3 MR. FISCHETTI: To Mr. Dennehy.

4 THE COURT: Okay.

5 MR. DENNEHY: The check's not made out to me.

6 MR. FISCHETTI: It's not made out?

7 MR. DENNEHY: It's made out to the Marshals Service.

8 You made it sound like the check was made out to me.

9 MR. FISCHETTI: It's made out to the Marshals
10 Service, Your Honor.

11 THE COURT: Okay.

12 MR. FISCHETTI: Not to Mr. Dennehy.

13 Secondly, Your Honor, I'm going to be out of town
14 that week. I spoke to Ms. Holley and she said we'd keep this
15 date. I'd just like to alert Your Honor that, as we get close
16 to it, I will respectfully ask for an adjournment for a few
17 days for me, but we'll keep that date to get the Pre-Sentence
18 Report and everything else done.

19 THE COURT: All right.

20 MR. FISCHETTI: All right, thank you, Your Honor.

21 THE COURT: Is there anything else?

22 MR. DENNEHY: Your Honor, I'm also told that, given
23 the Court's schedule tomorrow, if in the event Mr. Santora
24 gets back to me about whether he wishes to plead, that we'll
25 see if Judge Bloom is available.

Proceedings

33

1 THE COURT: Okay.

2 MR. FISCHETTI: May I speak to Mr. Dennehy for a
3 moment?

4 (Pause in the proceedings.)

5 THE COURT: Do you all need me or do you want to
6 chat amongst yourselves?

7 ALL: We don't need you.

8 THE COURT: Thank you.

9 (Defendant remanded.)

10

11 (WHEREUPON, the proceedings were adjourned to
12 July 25th, 2012, at 9:30 a.m.)

13

14 * * *

15

16

17

18

19

20

21

22

23

24

25

USA v Vincent Badalamenti

1

\$	79 [2] - 17:9, 17:12 7th [2] - 7:8, 30:12	amount [4] - 17:25, 22:14, 25:11, 31:25 answer [1] - 11:7 answers [1] - 3:25 Anthony [1] - 7:12 apologize [3] - 2:23, 13:17, 17:18 appeal [10] - 10:24, 15:9, 15:21, 15:23, 15:25, 16:1, 16:4, 16:8, 16:10, 25:12 appearances [1] - 2:6 application [2] - 3:1, 13:22 applies [1] - 17:6 appropriate [2] - 24:14, 25:3 approximate [1] - 7:8 April [8] - 1:7, 18:17, 18:18, 18:20, 18:22, 19:5, 19:24 argue [1] - 23:15 argues [1] - 13:8 assessment [2] - 22:18 assistance [1] - 9:10 Assistant [1] - 1:18 associated [6] - 7:13, 8:11, 27:23, 28:5, 29:8, 29:16 associates [1] - 7:3 assume [2] - 15:17, 23:14 assuming [1] - 23:12 attention [1] - 15:7 attorney [3] - 5:20, 6:14, 9:10 Attorney [2] - 1:15, 1:18 Attorney's [1] - 11:19 August [4] - 27:23, 28:4, 29:4, 29:6 automatically [1] - 16:1 available [2] - 31:17, 32:25 Avenue [1] - 1:20
\$100 [1] - 22:17 \$250,000 [2] - 21:20, 22:9 \$5,000 [4] - 17:22, 18:8, 22:24, 31:25	8 80 [2] - 17:9, 17:12 84 [3] - 17:6, 17:14, 17:17 85 [2] - 17:6, 17:14	
1	9 9 [2] - 1:7, 22:4 9:30 [2] - 31:21, 33:12	
1 [3] - 6:24, 7:1, 17:6 10 [2] - 18:17, 18:20 10022 [1] - 1:21 10th [3] - 18:22, 19:5, 19:24 11201 [1] - 1:17 11th [1] - 31:19 12-050 [1] - 3:5 12-CR-00050(CBA) [1] - 1:3 14 [3] - 18:14, 19:6, 19:24 15 [2] - 6:24, 7:1 18th [1] - 31:20 1999 [1] - 7:7 1st [1] - 7:7	A a.m. [1] - 33:12 ability [1] - 20:6 able [4] - 15:23, 20:14, 24:8, 30:22 accept [3] - 10:21, 21:11, 31:14 accepting [1] - 17:21 according [1] - 17:20 account [4] - 23:4, 24:21, 25:1, 25:3 Act [1] - 17:12 acting [1] - 31:11 activities [3] - 7:15, 30:2, 30:13 activity [3] - 7:25, 8:17, 28:6 actual [1] - 25:11 addition [4] - 12:15, 14:24, 16:22, 22:17 additional [2] - 13:13, 27:10 adjourned [1] - 33:11 adjournment [1] - 32:16 adjustment [2] - 23:16, 24:13 administer [1] - 4:1 admit [1] - 11:7 admits [1] - 30:24 advised [2] - 12:4, 12:7 affairs [5] - 7:21, 8:12, 28:9, 29:19, 30:22 affected [3] - 7:15, 28:7, 30:25 afternoon [6] - 2:13, 2:14, 2:15, 2:18, 2:19, 13:5 agree [1] - 28:8 agreed [9] - 8:12, 16:4, 16:11, 16:14, 18:9, 22:22, 27:23, 28:4, 29:24 agreeing [3] - 16:7, 17:25, 18:7 agreement [28] - 2:22, 3:17, 7:18, 8:21, 11:17, 12:21, 12:25, 13:5, 15:6, 15:17, 16:3, 16:8, 16:19, 17:21, 17:24, 18:5, 18:13, 19:6, 19:13, 19:20, 20:1, 23:9, 23:10, 26:1, 26:7, 26:10, 26:11, 27:9 agrees [1] - 15:9 aided [1] - 1:25 alcohol [1] - 5:5 alert [1] - 32:15 ALL [1] - 33:7 allegation [4] - 16:20, 16:25, 17:5, 18:7 allegations [2] - 6:24, 18:9 alleged [1] - 7:19 allocation [1] - 30:19 AMERICA [1] - 1:3 AMON [2] - 1:12, 2:2	B background [3] - 24:7, 24:8, 25:1 Badalamenti [12] - 2:5, 3:3, 3:13, 3:21, 5:19, 7:11, 11:24, 12:21, 18:5, 26:23, 28:15, 31:2 BADALAMENTI [1] - 1:8 Balsamo [2] - 7:12, 19:22 Basciano [1] - 22:2 based [3] - 11:1, 14:6, 31:10 bases [1] - 31:13 basis [2] - 31:2, 31:7 battling [1] - 14:2 BEFORE [1] - 1:12 behalf [5] - 10:2, 10:6, 10:11, 11:18, 31:19 below [1] - 15:13 between [6] - 7:7, 13:22, 21:23, 27:22, 28:4, 29:5 beyond [4] - 6:16, 8:6, 9:16, 30:22 blind [1] - 14:21 binding [1] - 12:8 binds [1] - 14:14 bit [1] - 27:25 Bloom [1] - 32:25 board [1] - 25:13 boards [2] - 25:8, 25:14 Bonanno [5] - 7:3, 7:14, 8:8, 22:1, 22:12
2		
2 [3] - 17:10, 17:12, 19:6 20 [1] - 20:21 2002 [8] - 27:22, 27:23, 28:4, 29:4, 29:5, 29:6, 30:4 2011 [3] - 7:8, 30:12, 30:15 2012 [2] - 1:7, 33:12 20th [1] - 1:20 21 [2] - 23:11, 24:1 2255 [1] - 15:11 24 [1] - 5:4 25th [2] - 31:21, 33:12 27 [2] - 23:11, 24:1 271 [1] - 1:16 27th [1] - 31:17 28 [1] - 15:10		
3		
3 [11] - 3:4, 3:14, 6:12, 6:23, 8:5, 17:6, 17:9, 26:20, 27:1, 27:21, 31:15 30 [3] - 15:13, 16:6, 16:7		
4		
4:30 [1] - 1:8 4:51 [1] - 2:3 4th [2] - 18:18, 19:5		
5		
5 [3] - 3:18, 11:17, 19:13 53 [1] - 4:22		
6		
613-2607 [1] - 1:24		
7		
718 [1] - 1:24 747 [1] - 1:20		

USA v Vincent Badalamenti

2

<p>bound [1] - 24:20 bring [1] - 15:6 broad [1] - 18:6 Brooklyn [2] - 1:6, 1:17 burden [2] - 9:15, 9:18 business [1] - 8:2 Butler [1] - 1:23 BY [2] - 1:17, 1:21</p>	<p>Computer-aided [1] - 1:25 computerized [1] - 1:25 conditioned [1] - 18:14 conditions [1] - 21:6 conduct [6] - 7:20, 7:21, 8:12, 24:25, 28:8, 28:9 conducting [1] - 29:19 connection [2] - 8:1, 27:20 consequences [2] - 3:23, 31:12 consider [2] - 12:2, 24:25 considers [1] - 24:22 conspiracy [4] - 3:6, 7:19, 8:15, 8:19 conspire [2] - 7:16, 7:17 conspired [1] - 8:15 Constitution [2] - 9:8, 10:13 contain [1] - 12:16 contained [2] - 6:24, 13:6 contains [1] - 11:20 context [2] - 20:18, 22:7 contingent [1] - 19:20 conviction [1] - 15:11 copy [1] - 18:17 corners [1] - 13:7 corpus [1] - 16:15 correct [13] - 2:9, 3:9, 3:11, 3:19, 15:15, 17:7, 17:23, 18:1, 19:17, 23:1, 23:24, 23:25, 30:20 Cosa [1] - 7:4 Counsel [6] - 3:13, 5:10, 13:8, 14:16, 23:7, 26:4 count [1] - 7:6 Count [12] - 3:4, 3:14, 6:12, 6:23, 8:5, 11:24, 17:9, 26:20, 27:1, 27:21, 30:11, 31:15 Counts [1] - 17:6 counts [1] - 17:13 couple [1] - 15:5 course [1] - 9:22 COURT [126] - 1:1, 2:10, 2:15, 2:18, 2:25, 3:7, 3:10, 3:12, 3:20, 4:9, 4:15, 4:20, 4:23, 4:25, 5:4, 5:7, 5:10, 5:13, 5:16, 5:19, 5:23, 6:1, 6:5, 6:9, 6:11, 6:14, 6:19, 6:21, 8:25, 9:7, 9:13, 9:22, 10:5, 10:10, 10:20, 11:4, 11:12, 11:15, 12:13, 12:15, 12:20, 12:23, 12:25, 13:4, 13:16, 13:18, 13:20, 13:24, 14:8, 14:11, 14:15, 14:20, 14:24, 15:5, 16:13, 16:19, 16:22, 17:5, 17:11, 17:16, 17:19, 17:24, 18:4, 18:13, 18:18, 18:24, 19:8, 19:10, 19:12, 19:16, 19:18, 20:5, 20:14, 20:24, 21:11, 21:19, 22:7, 22:17, 22:22, 23:1, 23:3, 23:9, 23:21, 24:1, 24:12, 24:18, 25:7, 25:17, 25:24, 26:4, 26:10, 26:12, 26:15, 26:18, 26:23, 26:25, 27:3, 27:6, 27:9, 27:15, 27:18, 27:25, 28:14, 28:17, 28:22, 28:25, 29:3, 29:7, 29:11, 29:15, 29:18, 29:22, 30:2, 30:6, 30:13, 30:17, 31:1, 31:5, 31:9, 32:4, 32:11, 32:19, 32:21, 33:1, 33:5, 33:8 Court's [3] - 15:23, 24:15, 32:23</p>	<p>Courthouse [1] - 1:5 courtroom [2] - 2:2, 2:20 Courtroom [1] - 4:1 COURTROOM [4] - 2:4, 2:9, 2:21, 4:3 credit [3] - 21:8, 21:15, 23:16 crime [9] - 7:3, 7:14, 9:17, 10:21, 10:25, 15:21, 15:22, 22:12, 27:20 Crime [1] - 8:8 crimes [1] - 22:1 CRIMINAL [1] - 1:11 Criminal [1] - 23:12 criminal [3] - 4:11, 22:23, 24:25 cross [1] - 9:25 cross-examine [1] - 9:25 CRR [1] - 1:23</p>
<p>C</p> <p>Cadman [1] - 1:16 Calabrese [2] - 7:12, 19:22 calculated [1] - 23:7 calculating [1] - 23:14 calculation [1] - 24:9 calculations [1] - 24:6 cannot [1] - 10:12 care [1] - 5:1 CAROL [2] - 1:12, 2:2 carries [1] - 11:25 case [7] - 5:21, 10:24, 14:6, 18:15, 21:1, 23:11, 24:7 Category [1] - 23:12 CAUSE [1] - 1:11 caused [2] - 15:2, 27:12 certainly [2] - 14:13 certified [1] - 31:25 challenge [1] - 15:10 challenging [1] - 16:15 changed [2] - 19:5, 25:19 changes [1] - 19:14 charge [8] - 4:12, 6:17, 6:22, 8:23, 11:6, 25:25, 26:25, 31:12 charged [5] - 9:17, 10:21, 22:6, 27:20, 30:23 charges [4] - 9:7, 15:19, 26:8, 30:11 chat [1] - 33:6 check [4] - 18:2, 18:8, 31:25, 32:8 check's [1] - 32:5 CHIEF [1] - 1:12 chooses [1] - 20:7 circumstance [2] - 15:20, 16:5 circumstances [2] - 24:7, 25:2 claiming [1] - 22:2 clear [3] - 5:7, 13:1, 26:2 clearly [1] - 4:18 client [7] - 5:11, 12:7, 12:18, 26:5, 26:7, 26:16, 31:6 close [2] - 25:11, 32:15 collect [1] - 29:24 collected [3] - 28:18, 28:23, 28:25 collecting [2] - 30:14, 30:24 collection [10] - 3:5, 7:22, 8:13, 28:10, 28:14, 28:19, 29:18, 29:23, 29:25, 30:3 commerce [4] - 7:15, 28:7, 30:19, 30:25 commissions [1] - 25:9 commit [1] - 10:25 competency [1] - 5:17 Computer [1] - 1:25</p>		<p>D</p> <p>date [5] - 18:16, 19:5, 24:4, 32:15, 32:17 dates [1] - 7:8 days [1] - 32:17 debt [18] - 3:6, 7:22, 7:23, 8:13, 8:14, 28:10, 28:11, 28:15, 28:17, 28:18, 28:19, 28:21, 28:23, 29:18, 29:23, 29:24, 29:25, 30:24 debts [4] - 7:24, 7:25, 30:3, 30:14 decide [1] - 9:2 decided [2] - 10:15, 15:18 decision [4] - 3:21, 5:20, 12:9, 12:10 decision-making [1] - 12:10 defendant [7] - 1:9, 11:21, 15:9, 17:25, 30:24, 31:11, 31:19 DEFENDANT [75] - 4:14, 4:19, 4:22, 4:24, 5:3, 5:6, 5:9, 5:22, 5:25, 6:4, 6:8, 6:10, 6:13, 6:18, 6:20, 8:24, 9:6, 9:12, 9:21, 10:4, 10:9, 10:19, 11:3, 11:11, 11:14, 12:22, 12:24, 13:3, 13:15, 14:19, 14:23, 15:3, 16:12, 16:18, 17:4, 18:12, 20:4, 20:13, 20:23, 21:10, 21:18, 22:16, 22:21, 22:25, 23:2, 23:8, 23:20, 24:11, 24:17, 25:6, 25:16, 25:23, 26:3, 26:14, 26:24, 27:2, 27:5, 27:8, 27:14, 27:17, 27:22, 28:1, 28:3, 28:16, 28:20, 28:24, 29:2, 29:5, 29:10, 29:14, 29:17, 29:21, 30:1, 30:5, 30:16 Defendant [3] - 1:19, 2:20, 33:9 defendants [4] - 7:10, 7:12, 18:14, 19:22 defense [1] - 2:16 defined [2] - 7:23, 22:11 DENNEHY [21] - 1:17, 2:11, 11:22, 12:14, 14:2, 14:10, 16:21, 17:8, 17:17, 17:23, 18:17, 18:19, 19:4, 21:24, 23:25, 30:11, 30:20, 31:4, 32:5, 32:7, 32:22 Dennehy [8] - 2:11, 11:18, 17:15, 21:22, 23:24, 32:3, 32:12, 33:2 Deputy [1] - 4:1 DEPUTY [4] - 2:4, 2:9, 2:21, 4:3 describe [1] - 7:4 detail [2] - 13:2, 26:5</p>

USA v Vincent Badalamenti

3

determination [1] - 17:2 determine [4] - 16:23, 16:24, 21:22, 25:3 deterrence [1] - 24:25 difference [1] - 13:21 differently [1] - 15:16 directly [2] - 7:20, 28:8 discretion [1] - 14:14 discuss [3] - 5:20, 12:23, 26:4 discussed [4] - 5:10, 10:23, 11:13, 23:6 dismissed [1] - 26:9 disposition [1] - 20:17 DISTRICT [3] - 1:1, 1:1, 1:12 District [3] - 1:16, 7:9, 28:12 doctor [1] - 5:1 document [3] - 11:19, 12:16, 13:7 dollar [1] - 22:18 dollars [2] - 21:25, 22:3 done [2] - 8:20, 32:18 doubt [4] - 6:16, 8:6, 9:16, 30:22 down [1] - 27:25 drugs [1] - 5:5 due [1] - 31:19 duly [1] - 4:6 duty [1] - 9:19	existed [1] - 8:8 explain [5] - 4:17, 15:14, 19:19, 20:16, 20:18 explained [2] - 6:14, 13:1 extent [1] - 14:4 extortion [1] - 17:12	given [5] - 16:16, 17:11, 18:24, 31:10, 31:16, 32:22 global [4] - 20:17, 23:15, 23:16, 24:13 Government [32] - 1:15, 2:11, 6:15, 8:4, 9:15, 9:18, 9:23, 10:1, 12:17, 13:4, 14:16, 15:1, 15:18, 16:4, 17:21, 18:6, 19:7, 19:25, 20:7, 20:11, 22:10, 22:23, 23:10, 23:17, 23:22, 24:2, 24:14, 27:10, 30:8, 30:17, 30:21, 31:20 Government's [3] - 3:17, 11:17, 19:13 Graziano [1] - 19:22 gross [3] - 21:21, 22:5, 22:10 group [2] - 27:24, 28:5 guideline [6] - 23:11, 23:13, 24:4, 24:9, 24:19, 24:20 guidelines [2] - 23:5, 23:6 guilt [2] - 11:7, 16:23 guilty [40] - 3:4, 3:14, 5:11, 5:14, 5:21, 9:2, 9:4, 9:7, 9:17, 9:19, 10:21, 11:1, 11:4, 11:6, 11:24, 15:2, 15:19, 15:20, 15:25, 19:21, 19:23, 20:2, 20:10, 20:15, 20:21, 21:23, 23:17, 23:21, 25:17, 25:18, 26:20, 27:1, 27:2, 27:3, 27:7, 27:13, 31:14
E	F	H
E-mail [1] - 1:24 early [1] - 25:13 East [1] - 1:16 EASTERN [1] - 1:1 Eastern [3] - 1:16, 7:9, 28:12 either [4] - 8:16, 15:15, 22:8, 24:6 element [1] - 8:5 elsewhere [1] - 7:10 employed [2] - 7:13, 8:11 engaged [2] - 7:14, 28:6 enter [6] - 3:14, 5:20, 10:25, 19:23, 25:17, 26:19 entered [1] - 3:3 entering [1] - 18:15 enterprise [24] - 6:6, 6:7, 7:2, 7:4, 7:5, 7:14, 7:21, 8:7, 8:11, 8:13, 21:21, 22:6, 22:11, 28:6, 28:9, 29:8, 29:12, 29:15, 29:20, 30:3, 30:14, 30:23 enters [2] - 2:2, 2:20 entirety [2] - 11:20, 12:16 ESQ [5] - 1:15, 1:17, 1:18, 1:21, 1:22 establish [5] - 8:7, 8:10, 30:22, 31:2, 31:6 established [1] - 8:5 estimate [1] - 24:15 estimates [1] - 23:10 event [4] - 12:5, 15:12, 20:9, 32:23 events [1] - 19:20 evidence [4] - 8:4, 10:1, 10:2, 10:5 examine [1] - 9:25 examined [1] - 4:6 exclusively [1] - 12:10 Exhibit [3] - 3:18, 11:17, 19:13	face [1] - 4:11 fact [4] - 24:3, 24:14, 30:25 factor [1] - 24:19 factors [4] - 23:4, 24:21, 24:22, 24:25 factual [3] - 31:2, 31:7, 31:13 failed [1] - 9:18 false [1] - 4:12 Family [1] - 8:9 family [4] - 7:3, 7:14, 22:1, 22:12 far [2] - 4:23, 30:6 fashion [1] - 6:22 February [3] - 27:22, 28:4, 29:5 Federal [5] - 8:1, 8:2, 8:17, 25:7, 28:12 few [1] - 32:16 figure [2] - 21:22, 22:5 file [2] - 15:9, 16:15 finally [1] - 25:17 financial [1] - 21:20 fine [5] - 21:20, 22:7, 22:8, 22:13 first [7] - 4:6, 6:23, 7:10, 8:7, 9:3, 14:8, 15:8 FISCHETTI [38] - 1:19, 1:21, 2:8, 2:16, 2:23, 3:2, 3:9, 3:11, 3:19, 5:12, 5:15, 5:18, 12:19, 13:17, 13:19, 13:21, 14:1, 14:12, 17:14, 18:2, 18:22, 19:1, 19:11, 19:15, 19:17, 26:6, 26:11, 26:17, 26:21, 28:2, 31:8, 31:23, 32:3, 32:6, 32:9, 32:12, 32:20, 33:2 Fischetti [10] - 2:16, 2:25, 3:16, 12:1, 12:7, 12:15, 12:23, 14:2, 19:10, 31:5 Floor [1] - 1:20 follow [2] - 12:4, 24:20 follows [2] - 4:7, 20:25 FOR [1] - 1:11 forced [2] - 10:12, 27:6 foreign [3] - 7:15, 30:19, 30:25 forfeited [2] - 16:25, 21:25 forfeiture [8] - 16:20, 16:25, 17:5, 17:24, 18:7, 18:9, 22:23, 32:1 form [1] - 7:18 formed [1] - 8:21 forward [1] - 24:15 four [2] - 13:6, 15:8 free [1] - 27:4 full [1] - 21:7 fully [1] - 31:11 furtherance [1] - 30:24	habeas [1] - 16:15 hand [2] - 4:3, 10:12 Handling [3] - 18:21, 19:9, 32:2 hear [2] - 26:7, 27:19 high [2] - 4:24, 22:13 higher [2] - 15:22, 15:25 himself [1] - 10:15 History [1] - 23:12 Hobbs [1] - 17:12 hold [1] - 10:16 Holley [1] - 32:14 Honor [34] - 2:13, 2:19, 3:2, 3:19, 4:14, 4:19, 5:6, 5:9, 5:12, 5:15, 5:22, 5:25, 6:4, 6:8, 6:13, 8:24, 9:21, 11:22, 12:2, 12:11, 12:14, 12:19, 12:22, 13:3, 13:15, 13:17, 13:19, 14:5, 14:12, 14:19, 14:23, 15:3, 16:12, 16:18, 16:21, 17:4, 17:8, 17:14, 17:17, 17:23, 18:2, 18:12, 18:23, 19:4, 19:11, 19:15, 20:4, 20:13, 20:23, 21:10, 21:18, 21:24, 22:16, 22:21, 22:25, 23:2, 23:8, 23:20, 23:25, 24:11, 24:17, 25:6, 25:16, 25:23, 26:3, 26:6, 26:14, 26:17, 26:21, 26:24, 27:2, 27:5, 27:8, 27:14, 27:17, 29:2, 29:10, 29:14, 29:17, 29:21, 30:1, 30:5, 30:11, 30:16, 30:20, 31:4, 31:8, 31:23, 32:10, 32:13, 32:15, 32:20, 32:22 Honor's [2] - 14:13, 18:17 HONORABLE [1] - 1:12 hours [1] - 5:4 hundred [1] - 22:18
	G	
	gambling [6] - 7:25, 8:2, 8:17, 28:11, 28:15, 28:21 generally [1] - 20:25	

USA v Vincent Badalamenti

4

I	Kristin (1) - 2:12 KRISTIN (1) - 1:18	N
idea (1) - 21:12 identified (4) - 7:5, 8:8, 29:9, 29:12 identifies (2) - 7:2, 7:10 if (1) - 23:12 important (1) - 23:3 impose (4) - 12:2, 12:9, 14:5, 22:19 imposes (3) - 12:11, 15:12, 20:24 imposing (1) - 15:24 imprisonment (1) - 15:13 include (1) - 24:23 includes (1) - 19:21 including (4) - 5:1, 12:9, 30:12, 30:14 inclusive (1) - 7:9 incorporated (1) - 6:25 incriminate (1) - 11:9 incurred (3) - 7:25, 8:1, 8:17 indicated (2) - 12:1, 13:4 indictment (14) - 3:5, 3:8, 3:15, 6:3, 15:19, 17:1, 17:10, 17:12, 18:9, 22:6, 26:9, 29:9, 29:13, 30:23 indirectly (2) - 7:20, 28:9 individual (4) - 28:11, 28:16, 28:24, 29:1 individuals (2) - 27:24, 28:6 inform (1) - 12:7 information (1) - 31:10 initial (2) - 18:19, 19:2 innocence (1) - 16:23 innocent (2) - 9:14 inquiry (1) - 30:18 instance (1) - 24:12 instead (1) - 10:20 intends (1) - 12:4 intentionally (2) - 7:16, 28:8 interstate (4) - 7:15, 28:7, 30:19, 30:25 introduction (2) - 6:6, 7:1 involved (3) - 8:14, 29:22, 29:24 island (1) - 28:11 issue (1) - 15:22 itself (1) - 7:6	L Laforte (1) - 19:22 last (1) - 21:23 late (1) - 25:21 law (10) - 7:25, 8:1, 8:2, 8:3, 8:16, 8:18, 9:15, 13:11, 24:24, 28:13 laws (2) - 9:8, 10:13 lawyer (1) - 9:24 least (7) - 7:18, 8:21, 22:2, 22:4, 30:6, 30:15 legal (1) - 9:25 less (1) - 16:6 lle (1) - 4:10 limitations (1) - 30:9 look (2) - 18:25, 19:2 LORETTA (1) - 1:15 LYNCH (1) - 1:15	names (1) - 7:11 need (11) - 13:1, 24:23, 27:19, 30:8, 30:17, 30:18, 31:1, 31:6, 31:22, 33:5, 33:7 NEW (1) - 1:1 New (11) - 1:6, 1:16, 1:17, 1:21, 7:9, 7:24, 8:3, 8:16, 28:12, 28:13 next (1) - 6:2 Nostra (1) - 7:4 nothing (1) - 26:17 number (1) - 3:5
	M	O
J Jack (1) - 2:11 JACK (1) - 1:17 January (1) - 7:7 Joe (1) - 21:25 JUDGE (1) - 1:12 Judge (5) - 2:2, 2:9, 2:21, 19:2, 32:25 Judgment (1) - 11:1 July (4) - 31:19, 31:20, 31:21, 33:12 June (1) - 31:17 Jury (6) - 9:9, 9:19, 10:16, 16:23, 16:24, 17:1	ma'am (1) - 14:1 MACE (2) - 1:18, 2:14 Mace (1) - 2:12 mail (1) - 1:24 maintains (1) - 23:22 MALGIERI (2) - 1:22, 2:19 Malgieri (1) - 2:17 mandatory (1) - 22:19 marked (3) - 3:17, 11:17, 19:13 Marshals (2) - 32:7, 32:9 Massino (1) - 21:25 matter (1) - 26:1 matters (1) - 25:2 maximum (6) - 11:25, 13:10, 20:20, 21:1, 21:20, 22:8 mean (2) - 16:1, 24:15 meaning (1) - 23:17 means (7) - 3:23, 6:7, 7:17, 11:8, 15:15, 25:10 medicine (1) - 5:5 meet (1) - 9:18 member (1) - 7:3 mentioned (1) - 24:18 methods (1) - 6:7 might (2) - 24:13, 26:1 million (3) - 21:25, 22:2, 22:4 mind (2) - 5:7, 25:20 mine (1) - 18:22 misspoke (1) - 14:11 misstate (1) - 13:18 mistake (1) - 15:24 moment (1) - 33:3 Monday (1) - 1:7 money (4) - 28:16, 28:19, 28:20, 28:23 months (5) - 15:13, 16:6, 16:7, 23:11, 24:1 move (1) - 23:22 must (2) - 18:16, 22:19	oath (2) - 3:25, 4:1 object (1) - 8:15 objections (2) - 10:1, 31:18 OF (3) - 1:1, 1:3, 1:11 offense (4) - 20:20, 24:7, 24:23, 25:2 offer (3) - 8:4, 10:1, 10:2 offering (1) - 10:5 offers (1) - 3:4 Office (1) - 11:19 office (1) - 11:21 Official (1) - 1:23 old (1) - 4:21 one (21) - 7:18, 8:8, 8:16, 8:20, 8:21, 11:22, 12:3, 12:5, 12:15, 13:5, 13:7, 13:22, 14:24, 14:25, 18:24, 23:3, 23:16, 23:18, 26:6, 27:11, 31:24 one-year (2) - 14:25, 27:11 ongoing (1) - 30:3 open (2) - 2:1, 27:19 opinion (1) - 14:5 opportunity (3) - 20:9, 20:11, 25:12 oppose (1) - 13:11 opposed (1) - 13:10 opposing (2) - 13:22, 14:17 order (1) - 30:8 organized (1) - 7:3 original (2) - 9:4, 18:25 otherwise (3) - 12:16, 15:10, 16:9 outstanding (1) - 3:14 own (4) - 10:11, 24:8, 25:1, 27:4
K		P
keep (2) - 32:14, 32:17 kind (1) - 5:5 knowingly (2) - 7:16, 28:7		p.m (2) - 1:8, 2:3 paragraph (8) - 6:24, 15:8, 17:6, 17:17, 18:14, 19:24 paragraphs (3) - 17:9, 17:12, 19:6 parole (4) - 25:8, 25:13 part (1) - 29:19 participate (2) - 7:20, 28:8 particular (1) - 6:5 past (2) - 5:4, 30:3 Pause (5) - 2:24, 15:4, 19:3, 26:22, 33:4 pay (2) - 17:25, 18:10 payment (2) - 17:21, 31:25 penalties (2) - 20:19, 21:20

USA v Vincent Badalamenti

5

<p>penalty [2] - 20:20, 22:23</p> <p>people [2] - 20:8, 29:23</p> <p>period [2] - 20:25, 21:1</p> <p>perjury [1] - 4:12</p> <p>persist [1] - 9:3</p> <p>person [7] - 7:18, 8:20, 8:21, 10:14, 21:23, 27:23, 28:5</p> <p>personal [1] - 24:8</p> <p>persons [1] - 7:13</p> <p>petition [2] - 15:10, 16:15</p> <p>PHYLLIS [1] - 1:22</p> <p>Phyllis [1] - 2:17</p> <p>pills [1] - 5:5</p> <p>placed [1] - 11:19</p> <p>places [1] - 19:5</p> <p>Plaza [1] - 1:16</p> <p>plea [33] - 2:22, 3:4, 3:14, 3:17, 3:23, 5:11, 5:21, 9:4, 10:22, 11:1, 11:16, 12:21, 12:25, 15:6, 15:17, 17:21, 19:19, 20:8, 20:15, 23:9, 25:17, 25:18, 25:25, 26:7, 26:10, 26:11, 26:20, 27:3, 27:9, 31:3, 31:12, 31:13, 31:14</p> <p>plead [19] - 3:4, 9:2, 9:7, 10:21, 11:4, 11:24, 15:2, 15:19, 15:20, 19:21, 20:1, 20:8, 20:10, 20:15, 26:23, 26:25, 27:7, 27:12, 32:24</p> <p>pleading [3] - 5:14, 15:25, 20:21</p> <p>PLEADING [1] - 1:11</p> <p>pleads [2] - 23:17, 23:21</p> <p>pleas [2] - 18:15, 19:23</p> <p>pled [1] - 21:23</p> <p>point [6] - 16:14, 23:16, 23:18, 23:23, 25:21, 29:7</p> <p>pointed [1] - 8:19</p> <p>possible [1] - 24:12</p> <p>power [1] - 10:6</p> <p>practically [1] - 25:9</p> <p>Pre [3] - 14:6, 31:17, 32:17</p> <p>Pre-Sentence [3] - 14:6, 31:17, 32:17</p> <p>prediction [1] - 24:2</p> <p>presence [1] - 9:24</p> <p>presently [1] - 4:25</p> <p>pressured [1] - 27:7</p> <p>presumed [1] - 9:13</p> <p>pretty [1] - 25:11</p> <p>previously [1] - 3:3</p> <p>prison [6] - 20:21, 20:24, 20:25, 21:7, 21:15, 25:12</p> <p>Probation [1] - 14:7</p> <p>problem [1] - 30:10</p> <p>proceed [1] - 5:17</p> <p>Proceedings [1] - 1:25</p> <p>proceedings [6] - 2:24, 15:4, 19:3, 26:22, 33:4, 33:11</p> <p>produced [1] - 1:25</p> <p>proffers [1] - 30:21</p> <p>profits [5] - 21:21, 22:5, 22:11, 22:13, 22:14</p> <p>promise [5] - 13:8, 13:14, 14:14, 15:1, 27:10</p> <p>promised [1] - 27:15</p>	<p>promises [1] - 27:12</p> <p>promote [1] - 24:23</p> <p>proof [7] - 6:16, 8:6, 9:16, 9:19, 22:10, 22:12</p> <p>property [1] - 16:24</p> <p>prove [4] - 6:15, 8:14, 8:20, 9:14</p> <p>provide [1] - 24:24</p> <p>provision [9] - 11:23, 15:11, 15:14, 16:13, 18:11, 19:24, 19:25, 20:5, 20:16</p> <p>provisions [1] - 15:5</p> <p>psychiatrist [1] - 5:1</p> <p>public [1] - 9:9</p> <p>punishment [1] - 24:24</p> <p>purports [1] - 18:13</p> <p>purpose [1] - 4:10</p> <p>pursuant [7] - 3:16, 11:16, 15:10, 16:7, 26:10, 26:11, 29:19</p> <p>put [4] - 11:23, 22:12, 24:14, 31:2</p> <p>puts [1] - 22:10</p>	<p>represent [2] - 5:23, 11:18</p> <p>require [1] - 3:24</p> <p>respect [1] - 24:24</p> <p>respectfully [1] - 32:16</p> <p>response [2] - 4:10, 31:20</p> <p>responsibility [1] - 24:5</p> <p>retain [1] - 20:6</p> <p>retains [1] - 19:25</p> <p>review [2] - 6:21, 8:25</p> <p>rights [8] - 3:22, 5:14, 9:1, 9:2, 10:23, 11:13, 25:25, 31:12</p> <p>rise [1] - 2:4</p> <p>role [1] - 28:14</p> <p>RONALD [2] - 1:19, 1:21</p> <p>Ronald [1] - 2:16</p>
Q		
<p>questions [6] - 3:24, 3:25, 11:5, 11:7, 25:24, 31:1</p>		
R		
<p>raise [3] - 4:3, 9:25, 26:16</p> <p>range [6] - 23:11, 23:13, 23:14, 24:4, 24:19, 24:20</p> <p>reached [5] - 11:21, 12:17, 13:6, 18:6, 22:5</p> <p>read [7] - 6:2, 6:5, 6:9, 6:12, 12:21, 20:5, 29:13</p> <p>ready [1] - 26:23</p> <p>realleged [1] - 6:25</p> <p>reason [3] - 5:2, 24:5, 26:19</p> <p>reasonable [4] - 6:16, 8:6, 9:16, 30:22</p> <p>receive [2] - 25:10, 27:16</p> <p>received [2] - 28:16, 28:20</p> <p>recently [1] - 4:25</p> <p>recommend [3] - 12:5, 14:4, 23:18</p> <p>recommendation [5] - 12:8, 13:12, 14:21, 14:25, 21:12</p> <p>recommended [1] - 13:25</p> <p>recommending [4] - 13:22, 14:9, 14:16, 27:10</p> <p>record [4] - 2:6, 11:23, 19:4, 31:24</p> <p>recorded [1] - 1:25</p> <p>reflect [1] - 31:24</p> <p>regard [1] - 16:20</p> <p>related [1] - 26:1</p> <p>relates [1] - 17:9</p> <p>release [14] - 11:25, 12:3, 12:10, 12:12, 13:9, 14:25, 21:1, 21:2, 21:3, 21:6, 21:14, 21:16, 27:11</p> <p>rely [1] - 24:3</p> <p>remain [1] - 2:6</p> <p>remanded [1] - 33:9</p> <p>Report [3] - 14:6, 31:17, 32:18</p> <p>Reporter [2] - 1:23, 1:23</p>		
S		
<p>S-2 [2] - 3:10, 6:3</p> <p>Santora [2] - 19:23, 32:23</p> <p>satisfied [2] - 5:23, 19:12</p> <p>satisfy [2] - 11:6, 18:8</p> <p>save [1] - 11:22</p> <p>schedule [2] - 31:16, 32:23</p> <p>school [2] - 4:23, 4:24</p> <p>second [1] - 3:7</p> <p>Secondly [1] - 32:13</p> <p>Section [1] - 15:11</p> <p>see [1] - 32:25</p> <p>send [2] - 21:7, 21:15</p> <p>sentence [14] - 12:9, 15:12, 15:23, 15:24, 16:2, 16:5, 16:6, 16:8, 16:10, 16:15, 25:4, 25:10, 25:19, 27:15</p> <p>Sentence [3] - 14:6, 31:17, 32:17</p> <p>sentencing [11] - 12:2, 13:9, 23:3, 23:5, 23:6, 24:4, 24:19, 25:7, 26:8, 31:18, 31:21</p> <p>September [3] - 7:8, 30:12, 30:15</p> <p>series [2] - 3:24, 21:20</p> <p>serious [1] - 3:21</p> <p>seriousness [1] - 24:23</p> <p>Service [2] - 32:7, 32:10</p> <p>show [1] - 17:15</p> <p>side [1] - 15:15</p> <p>signed [1] - 2:22</p> <p>significant [1] - 24:19</p> <p>simply [1] - 10:25</p> <p>slit [1] - 5:7</p> <p>slight [1] - 13:21</p> <p>slow [1] - 27:25</p> <p>someone [3] - 7:17, 28:18, 28:22</p> <p>sorry [3] - 2:23, 14:11, 29:3</p> <p>sought [1] - 10:1</p> <p>sound [1] - 32:8</p> <p>special [2] - 22:17, 22:18</p> <p>specific [1] - 16:5</p> <p>specifically [2] - 6:11, 15:6</p> <p>speedy [1] - 9:9</p> <p>spend [1] - 25:12</p> <p>spent [2] - 21:8, 21:16</p> <p>stand [2] - 4:2, 25:18</p>		

USA v Vincent Badalamenti

6

<p>stands [1] - 20:8 start [2] - 28:2, 28:3 state [1] - 2:5 State [5] - 7:24, 8:3, 8:16, 25:9, 28:13 statement [1] - 4:12 Staten [1] - 28:11 STATES [3] - 1:1, 1:3, 1:12 States [7] - 1:5, 1:15, 1:18, 2:5, 9:9, 10:14, 11:19 statute [2] - 30:9 stenography [1] - 1:25 still [1] - 14:5 stop [1] - 4:17 stronger [1] - 14:17 subject [1] - 5:10 submission [1] - 31:18 subpoena [1] - 10:6 summary [1] - 6:22 superseding [4] - 3:7, 6:3, 17:9, 17:11 supervised [13] - 11:25, 12:3, 12:10, 12:12, 13:9, 14:25, 21:1, 21:2, 21:3, 21:5, 21:13, 21:16, 27:11 supplement [1] - 30:18 support [1] - 6:16 sworn [2] - 4:6, 4:9 system [2] - 9:15, 25:7</p>	<p>24:17, 24:18, 25:6, 25:7, 25:16, 25:17, 25:23, 25:24, 26:3, 26:4, 26:10, 26:12, 26:14, 26:15, 26:18, 26:23, 26:24, 26:25, 27:2, 27:3, 27:5, 27:6, 27:8, 27:9, 27:14, 27:15, 27:17, 27:18, 27:22, 27:25, 28:1, 28:3, 28:14, 28:16, 28:17, 28:20, 28:22, 28:24, 28:25, 29:2, 29:3, 29:5, 29:7, 29:10, 29:11, 29:14, 29:15, 29:17, 29:18, 29:21, 29:22, 30:1, 30:2, 30:5, 30:6, 30:13, 30:16, 30:17, 31:1, 31:5, 31:9, 32:4, 32:11, 32:19, 32:21, 33:1, 33:5, 33:8 therefore [1] - 31:14 they've [4] - 8:8, 13:6, 13:7, 13:13 Thlrd [1] - 1:20 threatened [1] - 27:6 three [4] - 11:25, 13:10, 21:2, 21:3 today [3] - 5:8, 24:8, 25:18 together [1] - 7:12 tomorrow [2] - 19:23, 32:23 Torres [1] - 1:23 total [1] - 22:5 town [1] - 32:13 Transcript [1] - 1:25 TRANSCRIPT [1] - 1:11 Transcription [1] - 1:25 trial [12] - 9:9, 9:13, 9:22, 10:10, 10:13, 10:15, 10:20, 10:22, 10:23, 11:13, 25:20, 30:21 truth [1] - 4:9 try [1] - 4:17 trying [1] - 25:3 turned [1] - 28:23 turning [1] - 31:24 twice [2] - 21:21, 22:13 two [5] - 7:11, 19:4, 21:5, 21:7, 31:23</p>	<p>Vito [1] - 7:12 voluntarily [2] - 27:4, 31:11</p>
		<p>W</p> <p>waiting [1] - 2:21 waiving [1] - 5:14 week [1] - 32:14 WHEREUPON [1] - 33:11 whole [2] - 3:24, 21:19 willing [1] - 11:12 wish [1] - 3:13 wishes [1] - 32:24 withdraw [2] - 20:10, 20:14 withdraws [1] - 3:3 witness [2] - 10:13, 10:14 witnesses [3] - 9:22, 9:25, 10:6 word [1] - 14:3 words [3] - 20:9, 27:19, 28:18 written [1] - 14:6</p>
		<p>Y</p> <p>year [8] - 12:3, 12:6, 13:10, 13:23, 14:25, 21:13, 21:15, 27:11 years [7] - 11:25, 13:10, 20:21, 21:2, 21:3, 21:5, 21:7 YORK [1] - 1:1 York [11] - 1:6, 1:16, 1:17, 1:21, 7:9, 7:24, 8:3, 8:16, 28:12, 28:13 yourself [2] - 11:9, 28:25 yourselves [1] - 33:6</p>
<p>T</p> <p>table [2] - 2:7, 2:8 talks [3] - 6:6, 7:1, 20:17 Tele [1] - 1:24 term [10] - 11:25, 12:2, 12:9, 12:12, 13:9, 14:25, 15:12, 20:24, 20:25, 27:11 terms [5] - 10:5, 16:7, 17:20, 21:6, 21:14 testified [1] - 4:6 testify [4] - 9:24, 10:7, 10:11, 10:16 THE [204] - 1:12, 2:4, 2:9, 2:10, 2:15, 2:18, 2:21, 2:25, 3:7, 3:10, 3:12, 3:20, 4:9, 4:14, 4:15, 4:19, 4:20, 4:22, 4:23, 4:24, 4:25, 5:3, 5:4, 5:6, 5:7, 5:9, 5:10, 5:13, 5:16, 5:19, 5:22, 5:23, 5:25, 6:1, 6:4, 6:5, 6:8, 6:9, 6:10, 6:11, 6:13, 6:14, 6:18, 6:19, 6:20, 6:21, 8:24, 8:25, 9:6, 9:7, 9:12, 9:13, 9:21, 9:22, 10:4, 10:5, 10:9, 10:10, 10:19, 10:20, 11:3, 11:4, 11:11, 11:12, 11:14, 11:15, 12:13, 12:15, 12:20, 12:22, 12:23, 12:24, 12:25, 13:3, 13:4, 13:15, 13:16, 13:18, 13:20, 13:24, 14:8, 14:11, 14:15, 14:19, 14:20, 14:23, 14:24, 15:3, 15:5, 16:12, 16:13, 16:18, 16:19, 16:22, 17:4, 17:5, 17:11, 17:16, 17:19, 17:24, 18:4, 18:12, 18:13, 18:18, 18:24, 19:8, 19:10, 19:12, 19:16, 19:18, 20:4, 20:5, 20:13, 20:14, 20:23, 20:24, 21:10, 21:11, 21:18, 21:19, 22:7, 22:16, 22:17, 22:21, 22:22, 22:25, 23:1, 23:2, 23:3, 23:8, 23:9, 23:20, 23:21, 24:1, 24:11, 24:12,</p>		
	<p>U</p> <p>U.S.C [1] - 15:10 under [11] - 3:25, 5:1, 7:24, 8:16, 9:8, 9:14, 10:13, 13:11, 15:19, 16:5, 16:13 underlying [1] - 26:8 unenforceable [2] - 7:24, 8:16 UNITED [3] - 1:1, 1:3, 1:12 United [7] - 1:5, 1:15, 1:18, 2:5, 9:9, 10:14, 11:19 unlawful [4] - 3:5, 7:22, 7:23, 8:13 up [13] - 9:2, 10:22, 11:8, 11:12, 14:5, 14:13, 16:9, 16:16, 22:4, 28:1, 30:11, 30:15, 31:22</p>	
	<p>V</p> <p>VButlerRPR@aol.com [1] - 1:24 Victoria [1] - 1:23 view [1] - 5:13 VINCENT [1] - 1:8 Vincent [2] - 7:11, 22:2 violate [1] - 21:6 violated [3] - 21:3, 21:14, 28:12 violation [3] - 8:1, 8:2, 8:17</p>	